

REMARKS

Reconsideration and allowance of the above-identified application are respectfully requested. Claims 1-16 remain pending, wherein it is proposed to amend claims 1, 9 and 10. Entry of the amendment to claim 1 is appropriate after a final rejection because this amendment places the application in immediate condition for allowance. Entry of the amendments to claims 9 and 10 are appropriate as these amendments address a rejection under 35 U.S.C. § 112, second paragraph, and hence, reduce issues for appeal. Support for the amendment to claim 1 can be found in the present application at least in figure 3.

Applicants note with appreciation the Examiner's consideration of the documents cited in the Information Disclosure Statement filed on March 13, 2003. However, the Office Action indicated that the Japanese Patent document JP64055764 was not considered because a copy was not received. As indicated by the date-stamped postcard attached to Applicants' previous Amendment, three documents were received by the Patent Office in connection with the Information Disclosure Statement filed on March 13, 2003. Accordingly, for the Examiner's convenience, a copy of the form PTO-1449 which accompanied the Information Disclosure Statement filed on March 13, 2003, and a copy of JP64055764 are enclosed. Consideration of this document and return of an Examiner-initialed copy of the attached form PTO-1449 are respectfully requested.

In the fourth paragraph of the Office Action, claims 9 and 10 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. Although this ground of rejection is respectfully traversed, Applicants have amended claims 9 and 10 in the manner

suggested in the Office Action to reduce the issues in the application. Accordingly, withdrawal of this rejection is respectfully requested.

In the sixth paragraph of the Office Action, claims 1-16 are rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,541,125 to Futamoto et al. ("Futamoto"). This ground of rejection is respectfully traversed.

Futamoto does not anticipate Applicants' claim 1 because *Futamoto* does not disclose all of the elements of Applicants' claim 1. For example, *Futamoto* does not disclose that "a perpendicular magnetic enhancement layer having a face centered cubic structure" as recited in Applicants' claim 1.

Futamoto discloses a magnetic recording medium. As illustrated in figure 1 of *Futamoto*, the magnetic recording medium includes, among other elements, a magnetic film 14, an upper underlayer 12b, a lower underlayer 12a and a substrate 11. *Futamoto* discloses that the upper underlayer is comprised of a Co-Cr_x-M_y alloy. This type of alloy has a hexagonal close-packed (hcp) structure. Since *Futamoto* discloses that the upper underlayer has a hcp structure, the upper underlayer of *Futamoto* cannot anticipate the perpendicular magnetic enhancement layer of Applicants' claim 1 which has a face centered cubic structure. Since *Futamoto* does not disclose all of the elements of Applicants' claim 1, *Futamoto* cannot anticipate Applicants' claim 1. Claims 2-8 and 11-15 variously depend from Applicants' claim 1, and are, therefore, not anticipated by *Futamoto* for at least those reasons stated above with regard to Applicants' claim 1.

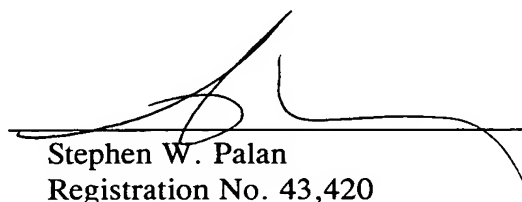
For at least those reasons stated above, it is respectfully requested that the rejection of claims 1-16 as allegedly being anticipated by *Futamoto* be withdrawn.

All outstanding objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance. Notice to this effect is earnestly solicited. If there are any questions regarding this response, or the application in general, the Examiner is encouraged to contact the undersigned at 703-838-6578.

Respectfully submitted,

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Date: January 20, 2004

Attachments: PTO-1449 & JP document